

**COMP**

LAWRENCE M. RUIZ, ESQ.

Nevada Bar No. 11451

AMANDA L. LAUB, ESQ.

Nevada Bar No. 14903

RUIZ LAW FIRM

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CASE NO: A-19-803126-C

Department 8

DISTRICT COURT**CLARK COUNTY, NEVADA**

MARGARET SMITH, individually;

Plaintiff,

vs.

Case No.:

Dept. No.:

CARDENAS MARKETS LLC dba
 CARDENAS, a foreign limited liability
 company; LAMANZA LLC, a domestic
 limited liability company; DOE MANAGER,
 individually; DOES I-X; and ROE
 CORPORATIONS I-X, inclusive,

Defendants.

COMPLAINT

Plaintiff, MARGARET SMITH, by and through her attorneys of record, LAWRENCE M. RUIZ, ESQ. and AMANDA L. LAUB, ESQ. of the RUIZ LAW FIRM, and for her causes of action against the Defendants, and each of them, alleges as follows:

1. At all times relevant to these proceedings, Plaintiff MARGARET SMITH, ("Plaintiff" or "Margaret"), is and was a resident of the County of Clark, State of Nevada.

2. At all times relevant to these proceedings, Defendant CARDENAS MARKET LLC dba CARDENAS, ("Defendant" or "Cardenas"), is and was a foreign limited liability corporation

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1 authorized to do business in the County of Clark, State of Nevada.

2 3. At all times relevant to these proceedings, Defendant LAMANZA LLC,
 3 (“Defendant” or “Lamanza”), is and was a domestic limited liability company licensed and
 4 authorized to do business in the County of Clark, State of Nevada.

5 4. That the true names and capacities, whether individual, corporate, associate or
 6 otherwise of Defendants named herein as DOES I through X and ROE CORPORATION I through
 7 X are unknown to Plaintiff who therefore, sues said Defendants by said fictitious names. Plaintiff is
 8 informed and believes and thereon alleges that each of the Defendants designated as DOES and
 9 ROE are employees, agents, or other individuals or entities responsible in some manner for the
 10 events and happenings referred to, specifically for creating, maintaining and/or allowing a
 11 hazardous condition to exist on The Defendant premises, improperly hired, trained, retained, and
 12 supervised employees, caused damages proximately to Plaintiff as herein alleged. Plaintiff will ask
 13 leave of this Court to amend her Complaint to insert the true names and capacities of DOES I
 14 through X and ROE CORPORATIONS I through X when the same have been ascertained and to
 15 join such Defendants in this action. DOES I through X and ROE CORPORATIONS I through X
 16 include, but are not limited to, employees, agents, contractors, vendors, and suppliers. At all times
 17 mentioned herein, each Defendant was acting as the agent, servant, and employee of each other
 18 Defendant. Such DOES and ROE CORPORATIONS include, but are not limited to, the
 19 predecessors and successors in interest of Defendants, as well any affiliates.

18 **ALLEGATIONS COMMONS TO ALL CAUSES OF ACTION**

19 5. LAMANZA LLC was and is the record owner of the property, located at 4700
 20 Meadows Lane, Las Vegas, Nevada (the “Premises”).

21 6. CARDENAS was and is the company renting the property at 4700 Meadows Lane,
 22 Las Vegas, NV.

23 7. On or about November 23, 2017, Plaintiff was a guest on the Premises and was
 24 invited onto the Premises by the Defendant.

25 8. While walking in the Premises, Plaintiff slipped on a substance and fell.

26 9. Defendant carelessly and negligently created, owned, controlled, inspected, and/or
 27 maintained the premises in an unstable and dangerous and hazardous condition by, among other
 28 things, permitting a substance to be left on the floor.

10. As the direct and proximate result of the Defendants’ negligence, Plaintiff suffered

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1 injuries, all or some of which conditions may be permanent or disabling in nature, and all or some
2 of which have required, or will require, medical treatment.

3 11. As the direct and proximate result of the Defendants' negligence, Plaintiff
4 incurred, and will continue to incur, future medical expenses.

5 12. As the direct and proximate result of the Defendants' negligence, Plaintiff
6 endured physical and emotional pain and suffering.

7 13. As the direct and proximate cause of the Defendants' negligence, Plaintiff has
8 suffered and continues to suffer a significant deterioration in Plaintiff's enjoyment of life.

9 **FIRST CAUSE OF ACTION**

10 **(Negligence – All Defendants)**

11 14. Plaintiff repeats and re-alleges every preceding paragraph as if fully set forth herein.

12 15. The Defendants owed Plaintiff a duty to maintain the Premises in a reasonably
13 safe condition.

14 16. The Defendants owed Plaintiff a duty not to create unreasonable risk of harm to
15 Plaintiff on the Premises.

16 17. The Defendants breached this duty by failing to maintain the Premises in safe
17 condition.

18 18. The Defendants negligence in its failure to maintain the Premises in a reasonable
19 safe condition was the actual and proximate cause of Plaintiff's injuries.

20 19. Plaintiff has incurred substantial expenses including, but not limited to, medical
21 expenses as the direct and proximate cause of Plaintiff's injuries.

22 20. Plaintiff has had to retain the services of an attorney to prosecute this action and is
23 entitled to reasonable attorneys' fees and costs of suit incurred herein.

24 **SECOND CAUSE OF ACTION**

25 **(Negligent Hiring / Training / Supervision / Retention – As to Cardenas)**

26 21. Plaintiff repeats and re-alleges every preceding paragraph as if fully set forth herein.

27 22. The Defendants had a duty to exercise ordinary and reasonable care in the screening,
28 training, supervision, and retention of its employees.

23 23. The Defendants are required to ensure their employees are qualified and suitable to
24 perform their duties in a manner so as to protect others from unreasonable risk of harm.

25 24. The Defendants are required to provide their employees with the necessary

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1 supervision and training.

2 25. The Defendants breached their duty by failing to adequately screen, hire, train and/or
 3 supervise its employees.

4 26. The Defendants' negligence in the hiring, training, supervision, and retention of its
 5 employees was the actual and proximate cause of Plaintiff's injuries and damages.

6 27. Plaintiff has incurred substantial expenses including, but not limited to, medical
 7 expenses as the direct and proximate cause of Plaintiff's injuries.

8 28. Plaintiff has been forced to retain the services of an attorney to prosecute this action
 9 and is entitled to reasonable attorneys' fees and costs of suit incurred herein.

10 **THIRD CAUSE OF ACTION**

11 **(Doctrine of Respondeat Superior – As to Cardenas)**

12 29. Plaintiff repeats and re-alleges each paragraph as if fully set forth herein.

13 30. Based upon information and belief, at all relevant times, DOES I through X were
 14 the agents and/or employees of the Defendants.

15 31. Does I through X were in the course and scope of their employment with
 16 CARDENAS.

17 32. Does I through X owed Plaintiff a duty not to create unreasonable risk of harm to
 18 Plaintiff on the Premises.

19 33. Does I through X breached this duty by failing to maintain the Premises in safe
 20 condition.

21 34. CARDENAS is vicariously liable to Plaintiff for her injuries by virtue of the
 22 doctrine of respondeat superior.

23 35. As the direct and proximate cause of the Defendants' negligence, Plaintiff suffered
 24 damages.

25 36. Plaintiff has incurred substantial expenses including, but not limited to, medical
 26 expenses as the direct and proximate cause of Plaintiff's injuries.

27 37. Plaintiff has had to retain the services of an attorney to prosecute this action and is
 28 entitled to reasonable attorneys' fees and costs of suit incurred herein.

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1 WHEREFORE, Plaintiff expressly reserving the right to amend her Complaint at the time of
2 trial of the actions herein to include all items of damages not yet ascertained, demands judgment
3 against the Defendants, and each of them, as follows:

- 4 1. General damages in an amount in excess of \$15,000;
- 5 2. Damages for past and future costs of medical care, treatment, and costs;
- 6 3. Damages for loss of earnings and future earnings capacity;
- 7 4. Reasonable attorneys' fees and costs of suit incurred herein;
- 8 5. Pre- and post-judgment interest; and
- 9 6. For such other and further relief as the Court may deem proper in the premises.

10 DATED this 4th day of October, 2019.

11 RUIZ LAW FIRM

12 /s/ Amanda L. Laub
13 AMANDA L. LAUB, ESQ.
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15 1055 Whitney Ranch Drive, Suite 110
16 Henderson, NV 89014
17 *Attorney for Plaintiff*
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